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VIA CM/ECF

PUBLIC VERSION

The Honorable Maryellen Noreika
United States District Court
for the District of Delaware
J. Caleb Boggs Federal Building
844 North King Street
Wilmington, DE 19801

Re: Crane Merchandising Systems, Inc. v. NewZoom, LLC, Best Buy Stores, L.P., Benefit Cosmetics LLC, and Macy's, Inc., C.A. No. 17-cv-1000-MN

Dear Judge Noreika:

We represent Crane Merchandising Systems, Inc. ("Crane") and write to request a status conference with the Court; we believe the conference should include party representatives.

As the parties have explained in past status reports, the assistant general counsel of Crane Co. (the parent company of Crane Merchandising Systems, Inc.) and the general counsel of Swyft Inc. (the parent company of NewZoom, LLC) agreed to a settlement via e-mail on March 13, 2020. Since March, counsel for the parties have exchanged comments and revisions on the proposed settlement agreement. Without getting into the substance of the parties' settlement communications, from Crane's perspective, the agreement was finalized at the end of last month.

On July 13, 2020, Swyft's general counsel informed outside counsel for Crane that one of the parties to the March 2020 settlement is no longer willing to sign the settlement agreement.

Because of the July 13 communication and other recent issues, Crane no longer believes that defendants intend to finalize a settlement agreement consistent with the terms agreed to in March 2020. Accordingly, the Court may need to enforce the parties' settlement agreement terms agreed to in March 2020 or reset the case for trial.

Counsel for Crane are available at the Court's earliest opportunity and convenience.

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Respectfully submitted,

/s/ Samantha G. Wilson

Samantha G. Wilson (No. 5816)

cc: All Counsel of Record via e-mail
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